

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

PAULINUS CHIDI NJOKU,

Plaintiff,

v.

Case No. 9:96-300-HFF

FCI-Estill Corrections Officer J. M. Dobry;
FCI-Estill Corrections Officer Rodney James;
and FCI-Estill Corrections Michael Brooks,

Defendants.

ORDER AND FINAL JUDGMENT

PURSUANT TO THE SETTLEMENT AGREEMENT entered between the parties, the Court hereby enters this order of vacatur pursuant Fed. R. Civ. P. 60(b). Vacatur is authorized in order to permit settlement to proceed, particularly where the victor, as well as the losing party, is in agreement that vacatur would be desirable. *See Major League Baseball Properties, Inc. v. Pacific Trading Cards, Inc.*, 150 F.3d 149 (2d Cir. 1998). Therefore, it is

ORDERED that pursuant to the Settlement Agreement entered between the parties, that the Order and Judgment entered by the Court on January 24, 2005, is hereby **VACATED**; and it is hereby further

ORDERED that pursuant to the Settlement Agreement entered between the parties, that final judgment is hereby entered **DISMISSING** the above-captioned action, *with prejudice*.

IT IS SO ORDERED.

Signed this 17th day of October, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE